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Utility-Transportation Corridor Work Management Plan for State of Montana



Submitted By:

Interagency Task Force

State of Montana

U.S. Forest Service

U.S. Bureau of Land Management

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Memorandum

To: Agency Head

From: Interagency Task Force

Subject: Interagency Utility-Transportation Corridor Study
Proposal for the State of Montana

Attached for your review and concurrence is an interagency proposal to develop a federal-state utility and transportation corridor planning and siting process. The proposal has been formulated by Staff of the Montana Department of Natural Resources and Conservation, Bureau of Land Management and Forest Service and represents a pilot effort in cooperative, interagency planning which could serve as a prototype for other states and regions.

The proposal clarifies the need for coordination of federal and state regulatory and planning procedures and permits the participating agencies to better discharge their responsibilities in managing the public lands and resources. The proposal outlines the project objectives, the process that will be followed to develop joint corridor siting policies and criteria, and includes a budget and proposed organizational structure.

We, the interagency task force, request your endorsement of the proposal on the following page, designation of a steering committee and establishment of the required positions to perform the work.

STATE DOCUMENTS COLLECTION

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930 E Lyndale Ave.
Helena, Montana 59601

cc:

Ted Doney, Director, Department of Natural Resources and Conservation, 32 S. Ewing, Helena, Montana 59601

Michael J. Penfold, State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107

Tom Coston, Regional Forester, U.S. Forest Service, P.O. Box 7669, Missoula, Montana 59807

ENDORSEMENTS

We, concur with the Interagency Utility-Transportation
Corridor Study Proposal for the State of Montana.

Thomas J. Judge
Governor,
State of Montana

Paul J. Honey 8/11/80
Director, Date
Department of
Natural Resources
and Conservation

Quinn Toule 8-6-80
Regional Forester, Date
USFS, Region 1

Monty J. Felt 8/1/80
Montana State Date
Director, BLM

Steering Committee Nominees

State of Montana

1. RANDY MOY

2. RALPH DREAR

(ALTERNATE)

GAIL KUNTZ

Bob Martinka

US Forest Service

1. John White

2. Jim Reid (Alternate)

Bureau of Land Management

1. ALAN EVANS

2. Dave Darby (Alternate)

Utility-Transportation Corridor
Work Management Plan
for
State of Montana

Submitted By:

Interagency Task Force

<u>State of Montana</u>	<u>U.S. Forest Service</u>	<u>U.S. Bureau of Land Management</u>
Randy Moy	Earl Reinsel	Alan Evans
Wayne Wetzel	Jim Schvenbaum	David Darby

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I. INTRODUCTION

Public interest reflected in national and State legislation directs Federal and State agencies to utilize utility and transportation corridors to minimize adverse environmental impacts caused by the proliferation of separate rights-of-way. Specific legislation relating to corridors includes:

- 1) National Forest Management Act of 1976 (NFMA).
- 2) Federal Land Policy and Management Act of 1976 (FLPMA).
- 3) 1973 Amendment to the Mineral Leasing Act.
- 4) National Environmental Policy Act (NEPA).
- 5) Montana Major Facility Siting Act (MFSA).
- 6) Montana Environmental Policy Act (MEPA).

The utility industry and land management agencies are interested in corridor management to (1) insure coordination among federal, state and local jurisdictions in considering lineal right-of-way needs; (2) reduce costs and time in considering individual project proposals; and (3) improve corridor siting decisions by planning in advance of specific project proposals.

In response to the legislation and the interests outlined above, the Forest Service (USFS) and Bureau of Land Management (BLM) are establishing a coordinated nationwide corridor planning effort, with initial emphasis on large blocks of USFS and BLM-managed lands in the western United States. States are concerned with private and state lands

within their boundaries and also are interested in ensuring that all corridors are sited in an acceptable manner. As part of the nationwide effort, the Forest Service Region 1, BLM Montana State Office and the State of Montana have agreed to cooperatively establish an interagency utility-transportation corridor planning effort within Montana. Citizens and utilities are encouraged to participate, and it is hoped that this effort will assist the establishment of similar studies in other western states. If this proposal is adopted, coordination with adjacent states will be required. Discussion of the draft Montana Work Management Plan (WMP) follows.

II. GOALS

The following goals, which are consistent with existing federal-state statutes and policies, will provide the guidance to land managers during this federal-state utility and transportation corridor planning and siting effort:

- 1) Minimize the social, economic, and natural resource impacts of lineal rights-of-way.
- 2) Preserve land uses on federal and state lands which represent the highest public benefit. An example of such an exclusion area might be a designated wilderness area.
- 3) Achieve an efficient, cost-effective and coordinated public decision process for siting and managing lineal rights-of-way.
- 4) Ensure that utility-transportation lineal right-of-way needs are met in land use planning.

III. OBJECTIVES

The objective of Phase I of this Work Management Plan (WMP) is to analyze and evaluate existing corridor policies, standards, and procedures in regard to siting lineal

rights-of-way, and identify where additional policy, standards and procedures may be appropriate. Additionally, all existing and proposed lineal rights-of-way will be inventoried and mapped. Phase II begins by identifying new corridor policies and standards and, based on existing and new information, develops corridor siting criteria and siting process(s) and implementation option(s) available to line managers of the Forest Service, Bureau of Land Management, and the State of Montana. Phase III analyzes all the implementation options to apply the corridor siting process(s) and recommends the most promising options(s) and process(s) to management. Phase IV then evaluates and tests the most feasible corridor siting process(s).

Management, after each of the first three phases, has the opportunity to (1) review the results of the phase, and (2) determine if the objectives and steps of the next phase need to be altered or modified or, (3) determine whether or not to proceed to the next phase. Phase V develops a federal-state right-of-way management program. This phase is not contingent on the results of Phases I through IV and can begin as soon as management gives permission to proceed and funds are secured.

Specific study objectives are:

Phase I: Existing Situation and Need

- 1) Establish an interagency utility-transportation corridor coordinating process.
- 2) Identify existing utility-transportation corridor policies and standards and areas where further policies and standards may be necessary.

- 3) Inventory and map existing and proposed utility-transportation corridors.

Phase II: Cooperative Policies, Procedures and Standards
(Preliminary Objectives)

- 1) Identify, evaluate and recommend additional utility-transportation corridor policies and standards.
- 2) Develop corridor siting criteria, siting process(s) and option(s) for implementation.

Phase III: Option(s) for Applying Siting Process
(Preliminary Objectives)

- 1) Evaluate and recommend siting process(s) and options for the identification, selection, and/or designation of existing and/or potential corridors.

Phase IV: Land Use Planning/Corridor Allocation (Preliminary Objectives)

- 1) On a pilot basis and in response to a specific proposal, test and evaluate for joint federal-state corridor identification, selection, and/or designation.

Phase V: Right-of-Way Management

- 1) Prepare an interagency Right-of-Way Management Program.

IV. CHARTER

The charters for this Work Management Plan are as follows:

- 1) The Memorandum of Understanding between the Governor of Montana dated June 26, 1975, and State Director of the Bureau of Land Management.
- 2) The Memorandum of Understanding between the Governor of Montana dated December 10, 1973, and the Regional Forester of the Forest Service.
- 3) Cooperative Agreement between the Northern Region (Region 1) Forest Service, U.S. Department of Agriculture, et al., and Montana State Office (Montana, North Dakota and South Dakota) Bureau of Land Management, U.S. Department of the Interior dated July 27, 1979, and August 28, 1979.
- 4) The Memorandum of Understanding for Facility Siting between the Director of the Montana Department of Natural Resources and Conservation dated June 16, 1976, and State Director of the Bureau of Land Management and Regional Forester of the Forest Service. (A copy of this memorandum is included in Appendix A.)

This effort will also be directed according to the approved Work Management Plan. Any involvement by other units of government or industry (i.e., technical support) shall be agreed to by the steering committee as needed at the time of involvement.

V. ASSUMPTIONS

This WMP is based on the following assumptions:

- 1) An interagency steering committee (presently referred to as the interagency task force) will direct an interdisciplinary team in preparing the corridor study.
- 2) Technical assistance and information will be requested from present and potential utility-transportation corridor users.
- 3) The FS, BLM and State of Montana will participate as equal partners in the study.
- 4) Study length for Phase 1 will not exceed 18 months from the time the Work Management Plan is approved.
- 5) Right-of-way types considered in this plan include highways, transportation-transmission facilities and systems for water, electric energy, petroleum products, coal, communications and others as specifically defined in FLPMA, the 1973 Amendment to the Mineral Leasing Act, and the MFSA. A description of existing right-of-way types that will be inventoried for this project is included in Appendix B. Appendix C contains a list of definitions of key terms that will be used in this plan and the subsequent corridor planning process.

VI. CORRIDOR PLANNING PROCESS

The corridor planning process envisions five general phases: Phase I) Existing Situation and Need; Phase II) Cooperative Policies, Procedures, and Standards; Phase III) Options for Applying Siting Process; Phase IV) Land Use Planning/ Corridor Allocation; Phase V) Right-of-Way Management.

Key products are as follows:

Phase I - A public report documenting the existing corridor situation in Montana and problem areas and needs.

Phase II - An interagency corridor program which would outline cooperative policies, siting criteria, overall stipulations by right-of-way type, and a siting methodology.

Phase III - A report evaluating the various options to apply a corridor siting process and recommendations.

Phase IV - Corridor designation or designations as the land use allocation is appropriate through long term agency planning (federal sector) or site specific evaluations of individual proposals, or in the case of federal agencies through long term agency planning.

Phase V - A cooperative right-of-way management agreement as the basis for compliance and monitoring; and

A landowner guide to assist landowners in their negotiations with private companies and agencies for rights-of-way across their property.

The Forest Service and the Bureau of Land Management are particularly concerned that the corridor planning process should occur in the context of agency land management planning. However, neither agency has the complete jurisdiction nor a planning program that adequately considers lineal rights-of-way. There is no land management planning process that can deal comprehensively with a 400-mile right-of-way corridor which spans several BLM planning units, several national forests, state land, private land, and other federal and state agency administered lands. This is the reason for the development of the corridor planning process. However, such a process must be an integral part of the federal agency land management planning processes and reflect the decisions and guidance which stem from federal resource planning.

To ensure participation of the state, such a process must also be consistent with Montana laws and policies. Unlike their federal counterparts, Montana land management agencies lack a statutory mandate to designate utility-transportation corridors prior to receipt of specific applications under the Major Facility Siting Act. The corridor planning process in this plan, therefore, does not specifically address a corridor banking option. The state desires to retain the possibility of proposing modification to Phase III of this plan to incorporate a corridor banking approach should state law and policies be altered to provide for corridor banking.

The following narrative explains each step in the accompanying process flow diagram, including the steps labelled P1-P8, which highlights the phases in the process where key inter-relationships with federal agency land management planning processes occur.

PROCESS

PHASE 1: Existing Situation and Need

Schedule: July 1, 1980 - December 1, 1980

STEP 1

The three agencies agree that the corridor planning process is desirable and designate steering committee members to guide the process.

STEP 2

Steering committee would develop a work management plan for the process, including a definition of the types of rights-of-way involved, development of the process, a definition of agency responsibilities, documentation of process objectives, and identification of funding and staff needs. Upon approval by management, the process would be underway.

STEP 3

A plan and funding would be developed and implemented to map existing corridors and lineal facilities and identify technical standards and constraints over the siting of individual types of rights-of-way and on conflicting uses between facility types.

STEP 4

An interdisciplinary team (work group-same as Step 3) to work on the process would be designated or hired.

STEP 5

With the guidance of the steering committee, a designated project manager would prepare an action plan, including detailed definition of work procedures, tasks, and goals, with emphasis on techniques for accomplishing the objectives, specific time frames, and assignment of responsibilities for project completion. Responsibilities include development of presentations to the steering committee, a public/agency involvement proposal, and specific proposals for involvement of other agencies or groups where appropriate (e.g., WAPA, BPA, industry).

STEP 6

Steering committee would approve the detailed action plan.

STEP 7

Work group would summarize existing corridor siting policies. A major consideration would be to insure that the policies are an accurate statement or translation of national or agencywide policies in effect in state government and with the federal agencies.

STEP 8

Based on the analysis of existing corridor siting policies and standards, the work group will attempt to identify and justify areas where additional siting

policies and standards may be desirable. If such areas do exist, the work group will then attempt to formulate new policies and standards and evaluate the advantages and disadvantages of each.

STEP 9

Based upon the work begun in Step 3, the group would produce a draft progress report summarizing existing lineal facilities, technical siting standards, existing corridor siting policies, and areas where additional siting policies and standards are desirable.

STEP 9a

The work group would produce a technical information file, including all data and maps generated during Step 3, for interagency use.

STEP 10

The draft progress report would undergo steering committee and other general agency review as appropriate.

STEP 11

The progress report would be submitted to management for review. If management determines it is appropriate, the progress report will be published (Step 11a) and disseminated for public review and comment (Step 11b).

STEP 11a

The draft progress report would undergo revisions, final editing and clearance.

STEP 11b

The progress report would be a public report documenting the existing situation and framework within which future planning efforts would occur. Ideas for further policy identification would be solicited.

STEP 12

Management, after reviewing the Progress Report, and possibly public comment, will advise the Steering Committee as to which additional corridor siting policies and standards should be further pursued or modified during Phase II.

PHASE II: Cooperative Procedures, Policies and Standards
Schedule (Unknown)

STEP 13

With the advice of management and the steering committee, the work group would further evaluate new corridor siting policies and standards, incorporating ideas generated during Phase I and formulating new policies or policy changes.

STEP 14

The process anticipates that the steering committee would give the work group the necessary clearance to proceed once Step 13 is completed, rather than involving agency management at this stage. This assumes that the policy recommendations would be reviewed by agency management at Step 19 in conjunction with the completed work product.

STEP 15

Specific corridor siting criteria to be applied within the framework of the policies outlined during Step 13 would be developed; these may include a) general criteria applicable to all siting situations; and b) criteria oriented toward special types of uses.

STEP 16

The work group would prepare general siting stipulations and guidelines by type of right-of-way use. The stipulations would be most useful at this stage as a guide for applying siting criteria in specific situations. During Steps 30 and 33 it would provide the framework for site specific assessments and for legal right-of-way documents (grant or permit) that would be issued.

STEP 17

The work group would develop and evaluate one or more procedures or processes (methodology) for integrating policies, criteria, and stipulations into an interagency siting program (for example, site banking, siting by avoidance and exclusion or combination of siting approaches). This methodology would guide the completion of Steps 30, 31, 32, and possibly Steps 24 through 29.

STEP 18

The work group would incorporate Steps 13, 15, 16, and 17 into a draft program document.

STEP 19

Following steering committee review, the program would be presented to agency management for extensive review.

STEP 20

A draft report would be developed at this stage for public review prior to finalizing the cooperative program.

STEP 21

In addition to agency and general public review at this stage, the program review could include outside professional review.

STEP 22

Based on management review and approval, a final program would be printed and would then become the basic agency planning and program guide for corridor siting, to be used in specific instances, in consultation with other parties and agencies, and in inter-agency land use planning processes. If agreement can be reached at this stage, the State of Montana and the two federal agencies would have a common approach to dealing with the issue of corridor siting.

STEP 22a

Existing agency or interagency agreements would be modified as necessary to accommodate the final approved program.

STEP 23

Management, after evaluating the results of Phase II, would decide whether to alter or modify the steps found in Phase III or proceed as defined in the Work Management Plan (WMP).

PHASE III: Options for Applying Siting Process Schedule (Unknown)

STEP 24

The work group would develop and analyze options for applying the corridor siting process(s) identified in Phase II, including a) specific geographical siting options and b) alternative approaches to apply corridor siting process(s). The steering committee would directly participate in this step.

STEP 25

Based upon the analysis in Step 24, corridor identification, selection and/or designation options would be presented to management. The presentation would be directed to the Governor of the State of Montana, the Montana State Director of the BLM and the Regional Forester of USFS, Region 1.

STEP 25a

Management may desire detailed review by other staff specialists as well as discussion among the decision makers to determine whether any type of corridor selection/designation is advisable.

STEP 26

A joint federal/state recommendation would be made as to how to proceed with the corridor siting process; the recommendation may include, but is not limited to, the following options: 1) site specific applications; 2) corridor identification, selection and/or designation; or 3) long range planning (federal sector). A budget proposal for funding Phase IV would be developed.

STEP 27

Management, after reviewing the results of Phase III, will determine whether to alter or modify the steps found in Phase IV or proceed as defined in the Work Management Plan (WMP). Additionally, the State of Montana will have to determine if selecting, designating or identifying corridors in the absence of a specific application under the Major Facility Siting Act is desirable and consistent with the mandate of state law.

PHASE IV: Land Use Planning Corridor Allocation(s)
Schedule (Unknown)

STEP 28

After corridor identification, selection and/or designation methodology is tested and evaluated, the evaluation of the methodology and any preliminary results of applying the methodology would undergo an extensive public review before any final decision is made. The State of Montana would require legislative support and approval before Montana could proceed with corridor designation. An environmental impact statement or environmental assessment or other type of documentation

procedure would probably have to be developed. Information developed during Steps 13, 16, 17, and 24 could be utilized, but new analysis might also be required.

STEP 29

Based on Steps 24 through 28, existing corridors or new corridors within Montana will be identified and possibly designated. In the context of Steps 30 through 32, a joint federal-state corridor designation would be made much as the separate federal and state corridor designations were made on the Colstrip project.

STEP 30

This step is the application of the corridor program to a specific proposal, much as is envisioned by the Level II agreement currently in effect between the Forest Service, BLM, and the Montana Department of Natural Resources and Conservation. This site-specific process would be part of the cooperative process regardless of whether Steps 24 through 28 are pursued.

STEP 31

The assessment process would be similar to the inter-agency transmission analysis performed on Colstrip, but with joint federal-state participation.

STEP 32

A draft EIS and an option summary for public review would be issued. Following public review, a final EIS and option summary would be issued.

STEP 33

Corridor identification, selection and/or designation could follow a site-specific analysis as well as the general process leading in sequence to Step 29, followed by Step 33 which represents the issuance of a right-of-way grant or a land use allocation commitment. The specific land use allocation commitment would be made by the State of Montana and the federal agencies only at this point, no such grant would be issued with the general corridor designation under FLPMA or comparable state authorities.

This would end Phase IV.

PHASE V: Right-Of-Way Management
Schedule (Unknown)

STEP 34

This step assumes that the agencies involved have agreed to a process for joint management of energy rights-of-way under their jurisdiction. Phase V is based on the premise that line or program managers will be responsible for field compliance and monitoring and that the specialties and personnel involved might be different from those involved in the corridor process. Therefore, a different group may develop the cooperative right-of-way management process. Phase V is not contingent on the results of Phases I through IV and can begin as soon as management gives permission to proceed and funds have been secured.

STEP 35

Draft management procedures for compliance would be produced.

STEP 36

An optional product would be a draft landowner guide similar to the one developed by the State of North Dakota. Landowners would be informed of the common right-of-way management practices between agencies and private companies.

STEP 37

The documents produced at Steps 35 and 36 would have to go through agency review, with a draft Landowner's Guide possibly undergoing public review.

STEP 38

The outgrowth of Phase V would be a cooperative right-of-way management agreement among the parties involved.

STEP 39

Another possible product would be a public brochure entitled "Landowner's Guide," for dissemination to private individuals dealing with companies or agencies in the granting of right-of-way across their property.

STEP P1

Agency planning and program requirements would be a major consideration in determining the scope and the nature of the corridor planning process itself.

STEP P2

Existing agency documents would be used to provide information in the development of existing situations and standards.

STEP P3

Existing agency policies as well as the implications of existing land management plans would directly influence the development of draft corridor siting policies in Step 12. Working clearance of draft siting policies by the steering committee would reflect a close examination of existing policies, plans, and procedures.

STEP P4

Existing agency criteria and standards would be evaluated and compared in the development of siting criteria and common stipulations for use in Step 16.

STEP P5

Interagency approval of common corridor policies and criteria in Step 22 would become basic planning guidance to be used in the development of land management plans by the federal agencies. Also, the development of general stipulations by right-of-way type would become part of the program guidance in the land and realty program for these agencies.

STEP P6

The interagency corridor program would constitute continuing guidance for long range planning of the federal agencies involved.

STEP P7

Land management planning decisions, including inter-governmental consultation and the implementation of cooperative agreements, would be developed with the corridor program as a base and incorporated to the degree possible in the context of ongoing scheduled agency land management plans.

STEP P8

Completed land management plans applying the corridor program could lead to the designation of corridor crossings for specific planning regions by the federal agencies. In this case the federal land management plans would include a corridor designation. Conversely, specific or cooperative corridor identification, selection and/or designations outside the context of land management planning would immediately become an amendment to existing land management plans.

VII. ORGANIZATION

Steering Committee -

The Steering Committee shall consist of, and be limited to, four members. One shall be appointed by each head of the Montana-based units of the federal land management agencies involved (i.e., BLM, USFS) and two by the State of Montana. Alternates may be appointed for each principal member. The primary and alternate appointments shall occur the first week of August 1980. The committee shall provide oversight, liaison with the host agencies, policy direction, administrative support and quality control. The interface of the committee with the project unit will be of critical importance. The committee shall communicate with and provide informal review of the efforts of the project unit weekly and shall formally meet with and review the production of the unit at least bimonthly. Technical adviser such as BPA, WAPA and others could provide technical support to the steering committee and work group.

Staff -

The project unit shall be composed of the following complement of personnel/skills:

Project Manager (USFS)	1.0 P
Landscape Architect (BLM)	1.0 P
Engineer (DNRC)	0.5 P
Social Scientist (DNRC)	0.5 P
Secretary (Shared by Agencies Involved)	1.0 P
Typist	B
Cartographer	B
Editor	B
Hydrologist/Geologist	B
Realty Specialist	B
Other (Natural Resource Specialist, Economist, etc.)	B

- P - Primary responsibility for agency personnel
- B - Personnel to be borrowed on an as-needed basis from the host agencies, or if unavailable by hire, to be acquired through personal service contracts

From among the full-time staff, as listed above, one individual shall be selected by the steering committee as a project manager. Due to the nature of this pilot effort and the sensitivity of the issues being evaluated, all personnel shall have achieved a full competence and demonstrated capability in the particular speciality which they represent.

Tentative Location -

The project unit should be located with the Montana Department of Natural Resources and Conservation (DNRC) staff in Helena, Montana. The reasons favoring a Helena location are:

- (1) DNRC has agreed to provide direct overview and support services to the unit.
- (2) DNRC represents the land management interests of the state and Helena is the focal point of government in Montana.
- (3) DNRC has an extensive facility siting data bank.

However, due to budget limitations, a project unit may not be established. Rather, each agency involved would work from their present home base. This approach

requires a serious commitment from each agency to ensure excellent communication and coordination and a willingness to succeed.

Duration -

Phase 1 is scheduled to commence on August 26, 1980, and be completed no later than December 1, 1981.

Agency Support -

The following are options for agency support in the project, in order of preference:

- (1) In order to staff this effort as rapidly and cost-effective as possible, it is assumed that existing personnel in the three participating agencies will be selected to work full time on the project. The host agencies will then fill behind such personnel as necessary to perform the work left behind.

This option is preferred because it provides for direct agency representation in the work effort.

- (2) Personal services (independent) contractors could perform the work. The problem with this approach is the lack of direct agency involvement. Where complete understanding of agency policy and planning criteria are an integral part of a work effort, as in this case, contract services do not appear to be a desirable alternative. Also, the expertise gained by the project staff would not remain with the agencies after project completion. Further, regulations generally preclude personal service contracts.

Special support will be called for periodically from the staffs of host agencies. This support work ranges from one day to several weeks in duration. This work will be divided among the agencies and the host agencies shall be expected to cover costs from within normal operating budgets.

VIII.ALTERNATIVES

Organizational and operational alternatives have been considered and developed. These alternatives are available in the notes of the task force.

While several alternatives were considered, the Helena project unit, as earlier defined, is the recommendation of the task force.

IX. BUDGET FOR PHASE I

Cost Element	<u>Federal FY80</u>	<u>Federal FY81</u>	
<u>TOTAL</u>	(000's)	(000's)	
(000's)			
a. Personnel	18	18	36
b. Operating Expenses	18	18	36
Supplies, Agency			
Support, Contracts,			
Printing, etc., Office			
Space			
c. Steering Committee	9	9	18
Grand Total Funding Needs	45	45	90

The cost elements represent general "in-kind" contributions by each agency. No transfer of funds is anticipated. Agencies will share the specialized support efforts such as photogrammetry, cartography and printing. Agencies plan to share, on an approximately equal basis, the costs and work involved.

MEMORANDUM OF UNDERSTANDING
FOR
MAJOR FACILITY SITING
BETWEEN
FOREST SERVICE, BUREAU OF LAND
MANAGEMENT AND MONTANA DEPARTMENT
OF NATURAL RESOURCES AND CONSERVATION

To coordinate the relationship between the "Montana Major Facility Siting Act" and Federal land management responsibilities, the agencies agree upon the requirements and procedures outlined herein.

SECTION I - INTRODUCTION

This section covers those items common to both Sections II and III.

A. Purpose and Objectives

1. Purpose - To provide guidelines for the three agencies to effectively work together on planning, programming, and management issues related to major facilities set forth in the Montana Major Facility Siting Act.
2. Objectives
 - a. Coordinate responsibilities
 - b. Avoid duplication of effort
 - c. Increase efficiency
 - d. Expedite decision analysis process
 - e. Share skills and knowledge
 - f. Exchange information
 - g. Coordinate public involvement process
 - h. Reduce costs

B. Authorities

This Memorandum of Understanding is entered into under the authority granted to each agency by law and is related to the Memorandum of Understanding of June 1975 between the Governor of Montana and the Montana State Director of the Bureau of Land Management, and the Memorandum of Understanding of December 1973 between the Governor of Montana and the Regional Forester of the Forest Service.

Principal agency authorities associated with this Memorandum of Understanding are:

1. Forest Service
 - a. Section 5 of the Act of April 24, 1950 (Granger-Thye Act)
 - b. Multiple Use-Sustained Yield Act of 1960
 - c. National Environmental Policy Act of 1969
 - d. Intergovernmental Cooperation Act, 1968
 - e. OMB Circular A-95 (revised)
 - f. and all amendatory acts thereof or supplemental thereto and Secretary of Agriculture regulations.

2. Bureau of Land Management

- a. Right-of-way regulations, 43 Code of Federal Regulations 2800
- b. Intergovernmental Cooperation Act, 1968
- c. National Environmental Policy Act, 1969
- d. OMB Circular A-95 (revised)
- e. and all amendatory acts thereof or supplemental thereto.

3. Montana Department of Natural Resources and Conservation

- a. Montana Major Facility Siting Act, 1975
- b. Montana Environmental Policy Act, 1971
- c. and all amendatory acts thereof or supplemental thereto.

C. Definitions

- 1. Level I - Master Agreement - The two Federal agency Memorandums of Understanding with the Governor are Level I Agreements. One is between the Governor and the Forest Service Regional Forester and was executed in December 1973; the other is between the Governor and the Bureau of Land Management State Director and was executed in June 1975.
- 2. Level II - Program Agreement - A more specific agreement than Level I. This program oriented Memorandum of Understanding is a Level II Agreement. It should be viewed in context with the Level I Agreements.
- 3. Level III - Project Agreement - A Level III Agreement is project oriented on a case-by-case basis and should be viewed in context with the Level I and II Agreements. It will cover all important project details.

SECTION II - LONG RANGE PLANNING

Long range planning addresses Regional or area concerns related to energy siting. Agency coordination, energy information management, and joint development of planning processes are within the scope of long range planning.

A. Objectives

- 1. Establishment of the planning process and siting decision criteria (narrative description)
- 2. Definition of unsuitable or unavailable areas (geographic locations)
- 3. Information exchange and coordination
- 4. Definition of public involvement process

B. Implementation

Within 3 months after the signing of this Memorandum of Understanding, the three agencies will form a workgroup to develop an action plan

and budget estimates for accomplishing the above objectives. Approval of the action plan by all three agencies shall be completed within the same 3-month period.

SECTION III - SHORT RANGE PLANNING AND MANAGEMENT

Short range program planning and management is concerned with actual proposals under the jurisdiction of the Montana Major Facility Siting Act which affect, or have the potential for affecting, Federal lands administered by the Bureau of Land Management or Forest Service.

- A. Objective.- To set forth guidelines by which the Montana Department of Natural Resources and Conservation, Forest Service, and Bureau of Land Management can generate a Level III Agreement for joint administrative efforts on individual applications, or potential applications for which the Department of Natural Resources and Conservation has made contractual arrangements, hereinafter called "proposal."
- B. Procedures
 1. After receiving and accepting each proposal under the Montana Major Facility Siting Act, the Department of Natural Resources and Conservation will consult with the Bureau of Land Management and the Forest Service to determine whether or not they will be affected by the proposal. The persons to be contacted are: the Chief, Branch of Environmental Assessment in the State Director's Office, and the Director, Planning, Programming, and Budgeting in the Regional Forester's Office.
 2. If the Bureau of Land Management or the Forest Service are affected by the proposal, the Department of Natural Resources and Conservation will initiate action toward joint study of the proposal by forwarding a copy of the proposal to each agency involved.
 3. The Bureau of Land Management and Forest Service will each designate a lead agent to perform duties related to the proposal. The Department of Natural Resources and Conservation will then immediately set up a coordination meeting on dates acceptable to all agencies concerned.
 4. In the event other Federal or State land management agencies are affected by a proposal, the Department of Natural Resources and Conservation will invite them to participate in the development of the Level III Agreement.
 5. The roles and responsibilities of the concerned agencies will be defined at the coordination meeting. A Level III Agreement will be prepared to document the:

- a. Designation of a lead agency with responsibility to initiate action and coordinate the cooperative efforts of all parties involved in the study.
- b. Study area.
- c. Study objectives, methodology, and significant steps to be used in the inventory, analysis and evaluation processes; and public involvement program. Also, standards, guidelines and procedures to be used in the study process in order to achieve a consistent, quality product will be specified. Responsibilities will be assigned for each step.

Whenever possible, the time schedule for completing the study will be consistent with the requirements of the Montana Major Facility Siting Act, Montana Environmental Policy Act, and National Environmental Policy Act.

- d. Financing arrangements
- e. Skill and equipment sharing
- f. Other related items

Whenever possible, a joint Federal-State Environmental Impact Statement should be prepared to meet the requirements of the Montana Major Facility Siting Act, the Montana Environmental Policy Act, and the National Environmental Policy Act. In those instances where an Environmental Impact Statement is not required, the cooperating agencies may prepare a joint environmental analysis report.

C. Authorization, Construction Supervision and Project Administration

After the study process within Section III - B has been completed, each agency subject to its laws and regulations is responsible for determining the status of authorization, construction supervision and project administration. If the three agencies are in substantial agreement for pursuing the proposed projects they should be able to select a mutually acceptable transmission corridor. Agreement would include items such as:

- establish energy need by the Department of Natural Resources and Conservation.
- establish that the proposed project may be permitted to cross the Federal lands.
- establish that all appropriate alternatives are less acceptable than the proposed one.
- keeping environmental impacts of the proposed facility at an acceptable level.

1. Forest Service Responsibility - Applies to all administrative activities occurring and/or required on National Forest System lands. The Forest Service shall convey through a letter to the

Department of Natural Resources and Conservation that all requirements of the "Certificate of Environmental Compatibility and Public Need" (as identified in the Montana Major Facility Siting Act, 1975) have been met on National Forest System lands.

2. Bureau of Land Management Responsibility - Applies to all administrative activities occurring and/or required on National Resource lands. The Bureau of Land Management shall convey through a letter to the Department of Natural Resources and Conservation that all requirements of the "Certificate of Environmental Compatibility and Public Need" have been met on National Resource lands.
3. Department of Natural Resources and Conservation Responsibility - Applies to all administrative activities which occur and/or are required on State and private lands.

SECTION IV - LIMITATIONS, AMENDMENTS AND TERMINATION

A. Limitations

1. The cooperating agencies function under separate sets of laws and regulations and the private, State, National Resource, and National Forest System lands involved are usually managed to meet different combinations of resource and environmental objectives. It should, therefore, be understood that, while agreeing on a mutually acceptable inventory, analysis, and evaluation process, and on each of the interim decisions that lead to final decisions, it does not necessarily follow that all agencies will be in agreement on individual agency decisions.

In the event of differing conclusions, each agency will prepare separate reports on its decision under the Montana Major Facility Siting Act, Montana Environmental Policy Act, or National Environmental Policy Act as the case may be. In such a case, appropriate data may be used by all agencies.

2. No member of, or delegate to, Congress or Resident Commissioner shall be admitted to any share or part of this agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.
3. In connection with the performance of work under this agreement, the cooperator agrees not to discriminate against any employee or applicant for employment because of race, religion, color, sex, or National origin.
4. The United States and the State of Montana shall not be liable to the cooperator for any damage incidental to the performance of this agreement.

5. Nothing herein shall be construed as binding the United States or the State of Montana for payment of money in excess of appropriations authorized by law beyond the current fiscal year or until appropriations are available and a finance plan for subsequent years has been approved by the appropriate Federal or State agency.
6. Nothing herein should be construed as binding the Bureau of Land Management, Forest Service, and the Department of Natural Resources and Conservation to decisions not authorized by law, regulation, or policy.

B. Termination and Amendments

This Memorandum of Understanding may be terminated at any time by the Regional Forester, State Director, or Director, provided the other parties are given at least 30 days written notice. Amendments can be made at any time through mutual consent of all three agencies.

APPROVED:

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION:

Gary J. Wicks
GARY WICKS
Director

June 16, 76
Date

FOREST SERVICE:

Steve M. Yurich
STEVE YURICH
Regional Forester

5/5/76
Date

BUREAU OF LAND MANAGEMENT:

Edwin Zaidlicz
EDWIN ZAIDLICZ
State Director

6-1-76
Date

SCOPE OF WORK

I. Existing Corridors and Linear Utilities

The work group agrees to prepare maps showing the ownership and precise location, in Montana, of all existing (a) power transmission lines with a rating greater than or equal to 34.5 kilovolts; (b) hydroelectric power generation (including low head hydro) facilities; (c) fossil fuel conversion facilities (such as power generation, liquefaction, etc.); (d) substations served by the facilities listed under (a); (e) pipelines greater than 6 inches in diameter; (f) pump stations, delivery facilities, or compressor stations serving the facilities listed under (e); (g) aqueducts (water lines); (h) coal mines; (i) intercity telephone trunks; and (j) microwave towers. The information described above will be indicated statewide on five separate sets of maps: (A) AMS sheets (scale=1:250,000); (B) mylar overlays to 7.5 minute or 15 minute USFS quadrangle maps (best available, including advance copies); (C) mylar overlays to USGS/BLM intermediate 1:100,000 maps (surface management edition) where available, and on 1:125,000 Montana highway cell transparencies elsewhere; and (D) reproducible mylar overlays to USGS topographic maps of Montana (scale=1:500,000). In addition, the following shall be mapped on separate reproducible mylar overlays to AMS sheets (scale=1:250,000): (1) all railroads and all paved county, state, and federal roads where different from those shown on the AMS sheets; (2) potential facilities listed under (a) through (h) above which have not been formally proposed, including alternative sites and also including uranium mines and coal slurry lines; (3) proposed facilities listed under (a) through (h) above which are under study but have not received all necessary permits; (4) proposed facilities listed under (a) through (h) above which are under construction or which have all necessary permits; and (5) all existing and potential oil and gas development areas.

The work group shall also work closely with the Montana Bureau of Mines and Geology on their effort to map energy-related geological features in Montana to avoid duplication and ensure that their efforts compliment this work.

All facilities mentioned above will be indicated by symbols reproducible in black-and-white and similar to those described in Exhibit "A", and approved by the Steering Committee before mapping begins.

II. Technical Standards for Corridor Siting

The work group agrees to study technical standards and constraints on the siting of individual types of energy rights-of-way. A draft report will be reviewed by the Steering Committee. The study shall include the following tasks:

Engineering Considerations

(1) Compilation and cross-indexing in a systematic manner those engineering design criteria and requirements that effect the siting of linear facilities listed in Part I. For example, electric transmission line routing is constrained by rough terrain, steep side slopes, stability requirements for tower foundations, minimum clearance, etc. Each constraint needs to be quantified to be meaningful. Additionally, engineering design considerations may differ; transmission lines vary according to tower type, voltage, etc. Common and uncommon constraints between utilities need to be identified, for example comparing design considerations of electric transmission lines with those of buried pipelines.

The data shall be analyzed for (a) corridor-level routing, and (b) centerline routing.

Environmental Considerations

(2) Compilation and cross-indexing all environmental impacts which play major roles in siting each type of linear facility listed in Part I. This data shall be gathered at (a) corridor level and (b) centerline level and quantified to the extent possible.

Compatibility of Utilities

(3) Using the data gathered in (1) and (2), compiling a list of (a) similar and (b) optimum criteria pertinent to siting identical or different linear facilities in a single corridor. Engineering constraints and environmental impacts need to be analyzed and quantitatively compared using various combinations of utility's alignments; for example, the factors that affect close paralleling of a pipeline and a transmission line.

Appendix C: Definitions

Avoidance Areas - Land areas unsuitable for facility siting for demonstrated geologic, hydrologic, environmental or socioeconomic reasons.

Centerline - The approved, precise location of the linear center of a right-of-way as surveyed and staked on the ground.

Corridor Banking - Suitable and available areas which can be considered for future facility location.

Designated Corridor - A linear, variable width of land and/or airspace which is generally suitable, available, and needed for facility location purposes. It has ecological, technical, economic, social or similar advantages over other areas for the present or future location of transportation or utility rights-of-way within its boundaries. Corridor designation is based on knowledge of the lands and environment, and of the engineering characteristics of the facility. Corridors may contain one or more facilities of similar or diverse types.

Exclusion Areas - Land areas determined to be unavailable for corridor allocation or facility siting for reasons of unsuitability, legislative classification, or prior, unalterable allocation to uses incompatible with facility siting.

Planning Corridor - A linear strip of land which has ecological, technical, economic, social or similar advantages over other areas for the present or future location of transportation or utility rights-of-way within its boundaries.

Policy - Agency management positions established by or developed pursuant to applicable law and regulation.

Right-of-Way - The strip of land designated through easement condemnation or fee ownership as the location of a lineal facility.

Route - A general acceptable location for a proposed right-of-way within a corridor, subject to adjustments of a prespecified magnitude and nature which can be made during centerline selection. One of the purposes of alternative route designation is to provide for comparative assessment of such considerations as length, river or stream crossings, land types and ecosystems involved, etc.

Siting Criteria - Guidelines and considerations for evaluating siting opportunities and locations. An established common set of standards applied in the siting analysis process to provide a uniform basis for decision.



Policy - Agency management positions established by or developed pursuant to applicable law and regulation.

Right-of-Way - The strip of land designated through easement condemnation or fee ownership as the location of a lineal facility.

Route - A general acceptable location for a proposed right-of-way within a corridor, subject to adjustments of a prespecified magnitude and nature which can be made during centerline selection. One of the purposes of alternative route designation is to provide for comparative assessment of such considerations as length, river or stream crossings, land types and ecosystems involved, etc.

Siting Criteria - Guidelines and considerations for evaluating siting opportunities and locations. An established common set of standards applied in the siting analysis process to provide a uniform basis for decision.

